

ROLL CALL

TRAINING BULLETIN

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U-Visa Certification Policy

Congress created the "U" nonimmigrant classification with the passage of the Victims of Trafficking and Violence Protection Act. The legislation was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens and other crimes, while at the same time, offering protection to victims of such crimes.

There are four statutory eligibility requirements: (1) the individual must have suffered substantial physical or mental abuse as a result of having been a victim of a qualifying criminal activity; (2) he/she has information concerning the criminal activity; (3) he/she has been helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the crime; and (4) the criminal activity must have violated the laws of the United States or occurred in the United States.

Qualifying criminal activity is defined by statute as that being an activity involving one or more of a long list of offenses from murder, rape, torture, sexual exploitation, and extortion to witness tampering, obstruction of justice, false imprisonment, etc. This is not an exclusive list but is intended to represent the types of criminal activity in which vulnerable immigrants are often targeted.

The victim must submit a U Nonimmigrant Status Certification (Form I-918, Supplement B) that is certified by a law enforcement agency to the U.S. Citizenship and Immigration Services.

The Dallas Police Department will act as a certifying agency for a petitioner of an I-918 Supplement B, U Nonimmigrant Status Certification if the following criteria are met.

1. The victim must meet all of the statutory eligibility requirements as outlined in the Department of Homeland Security Federal Register/Vol. 72, No.179/2007-09-17/Rules and Regulations.
2. The petitioner must be the victim of a felony grade offense reported to the Dallas Police Department.
3. The offense must still be under investigation by the Dallas Police Department.
4. The petitioner must make application within sixty days of the criminal offense.
5. The petitioner must submit written documentation from a certified medical facility verifying that the individual suffered substantial physical or mental abuse as a result of having been a victim of a qualifying criminal activity.

6. The petitioner must have valid information that will assist detectives in identifying, or attempting to identify the perpetrator of the offense.
7. The petitioner must demonstrate a willingness to participate in the investigation and prosecution process.
8. The Dallas Police Department will act as a certifying agency when all of the above requirements have been met and it is determined to be in the best interest of justice.
9. Once a case has been filed with the District Attorney of any county within the City of Dallas, the Dallas Police Department will no longer serve as the certifying agency.
10. The Dallas Police Department will not certify relatives of victims that are deceased due to murder, manslaughter or are incompetent or incapacitated and are unable to assist in the investigation and prosecution process.

All I-918 Supplement B, U Nonimmigrant Status Certifications sent to the Dallas Police Department will be forwarded to the Assistant Chief of the Investigations Bureau. The records will be recorded and maintained in the Investigations Bureau. The Investigations Bureau will make a decision on certifying the application based upon an investigation of the facts submitted.

The law enforcement certification, by itself, does not provide legal immigration status for the individual. The U.S. Citizenship and Immigration Services ultimately determine whether to grant an individual legal immigration status.

If you have any questions concerning this bulletin please contact Lieutenant David Pughes at 214-671-3930